

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**BRADLEY ALVERSON, CASEY
HOWIE, and KELSEY DUNNING,
Individually and On Behalf of
All Others Similarly Situated,**

Plaintiffs,

V.

**BL RESTAURANT OPERATIONS LLC
D/B/A BAR LOUIE,**

Defendant.

**CIVIL ACTION NO. 5:16-cv-00849-OLG-
RBF**

JURY TRIAL DEMANDED

JOINT MOTION TO APPROVE CONFIDENTIAL SETTLEMENT

The Parties file this joint motion to approve their confidential settlement agreement (the “Agreement”) and to dismiss this case with prejudice.

I.

On August 26, 2016, Plaintiffs filed this lawsuit against BL Restaurant Operations LLC claiming violations of the Fair Labor Standards Act (FLSA) (ECF No. 1). Since then, Plaintiffs have amended their Complaint twice to bring claims under the NYLL and PMWA. On February 26, 2018, the Court conditionally certified the case as a FLSA collective action (ECF No. 58). On March 12, 2018, the Court authorized the issuance of notice to the putative Class Members (ECF No. 59).

To facilitate mediation, the Parties exchanged written discovery including payroll information for the Class Members. On January 22, 2019, the Parties mediated their dispute with Michael E. Dickstein from Dickstein Dispute Resolution. The Parties resolved the case at

mediation. Pursuant to the Agreement, each Plaintiff is entitled to receive his prorated share of the settlement funds that he claimed or could have claimed by way of this lawsuit.

II.

The terms of the settlement are confidential. Plaintiffs have approved the settlement and have signed the Agreement. Similarly, Defendant has approved and signed the Agreement. The Agreement has been filed under seal for the Court's review.

All Parties are in agreement as to the apportionment and distribution of the settlement funds. The settlement is in the best interest of all parties. Moreover, there is substantial risk the Plaintiffs may be unsuccessful on the merits if this compromise settlement is not approved.

III.

The Agreement was negotiated at arm's length and represents the resolution of a bona fide wage dispute. All Parties were represented by counsel with years of experience handling these types of unpaid wage cases. The Parties represent to the Court that the terms of the settlement are fair, reasonable, were negotiated at arms-length, and are in the best interests of the Plaintiffs and Defendant as well. While the terms of the settlement are confidential, each of the Plaintiffs is entitled to receive a reasonable and fair pro rata share of the damages claimed. By entering into this settlement, the Defendant has not conceded liability and continues to assert its position that it lawfully paid the Plaintiffs and Class Members.

In light of the Parties' settlement, they now respectfully request that the Court enter the accompanying order approving the settlement and dismissing this case with prejudice to refiling, and with each party bearing their own costs.

JOINTLY SUBMITTED BY:

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2019, a true and correct copy of the foregoing document was electronically filed. Notice of this filing will be served on all parties by operation of the Court's Electronic Filing System.

/s/ Ricardo J. Prieto

Ricardo J. Prieto